

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VICTOR CALLENDER,

Plaintiff,

-against-

FORSTER & GARBUS, LLP and
DISCOVER BANK,

Defendants.

Docket # 1:15-CV-05813 (AKH)

**TABLE OF CONTENTS FOR
DEFENDANT FORSTER &
GARBUS, LLP's NOTICE OF
MOTION FOR PARTIAL
SUMMARY JUDGMENT AND
FOR DISMISSAL PURSUANT TO
RULE 8**

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Pursuant to Rule 2(C) of the Individual Rules of the Honorable Alvin K. Hellerstein, defendant, Forster & Garbus, LLP (“F&G”) submits the following Table of Contents in support of its motion for partial summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure and dismissal of the Second Amended Complaint pursuant to Rule 8 of the Federal Rules of Civil Procedure.

TABLE OF CONTENTS

1. F&G's Statement of Material Facts Pursuant to Local Civil Rule 56.1
2. Declaration of Carol A. Lastorino in support of motion for partial summary judgment and dismissal pursuant to Rule 8

Exhibit A Second Amended Complaint in the instant action (excluding the 483 pages of exhibits)

Exhibit B F&G's Amended Answer to Second Amended Complaint in the instant action

Exhibit C Discover Bank's default judgment against Victor Callender on December 21, 2005 in Civil Court of New York

Exhibit D Excerpts from September 28, 2016 deposition testimony of Joel Leiderman at F&G

Exhibit E Letter dated February 11, 2010 from F&G to Victor Callender

Exhibit F Series of Letters dated May 3, 2010, November 2, 2010, February 15, 2011, June 29, 2011 and December 30, 2011 from F&G to Victor Callender

Exhibit G Excerpts from October 25, 2016 deposition testimony of Victor Callender

Exhibit H Order to Show Cause dated May 22, 2012 to vacate the default judgment filed by Victor Callender in Civil Court City of New York

Exhibit I Letter dated July 2, 2012 from F&G to Victor Callender

Exhibit J Letter dated October 23, 2012 from Victor Callender to F&G with copy of envelope received on December 17, 2012

Exhibit K Email dated December 18, 2012 from F&G to Discover Bank

Exhibit L Email dated December 28, 2012 from Discover Bank to F&G

Exhibit M Email dated February 22, 2013 from Discover Bank to F&G

Exhibit N Letter dated March 12, 2013 from Discover Bank to Victor Callender

Exhibit O Letter dated April 15, 2015 from Urban Justice Center to F&G

Exhibit P Letter dated April 21, 2015 from F&G to Urban Justice Center with enclosed reimbursement checks

Dated: Uniondale, New York
May 9, 2017

Yours, etc.

RIVKIN RADLER LLP
Attorneys for Defendant
FORSTER & GARBUS, LLP

By: /s/ Carol A. Lastorino
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